

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HILL et al.
 Serial No.: 09/342,707
 Filed: June 29, 1999
 For: METHOD OF FABRICATING BRAGG GRATING USING
 A SILICA PHASE GRATING MASK AND MASK USED
 BY SAME
 Group: 2874
 Examiner: B. Healy

#7

RESPONSE

Assistant Commissioner for Patents
 Washington, D.C. 20231

February 25, 2000

Sir:

In response to the Office Action dated December 17, 1999, enclosed please find a supplemental Reissue Application Declaration by the Assignee, signed by the authorized representative of the assignee on January 28, 2000.

In light of the submission of the supplemental declaration, reconsideration and removal of the objection to the original reissue declaration and the rejection of the claims under 35 USC 251 is respectfully requested. With regard to this, it is noted that the supplemental declaration being filed herewith overcomes each of the objections set forth in paragraph 1 on page 1 of the Office Action. Specifically, the supplemental declaration states the residence and post office address of the assignee, and also identifies each of the inventors. In addition, the declaration positively states that there are joint inventors. Accordingly, in light of the submission of this supplemental

declaration, reconsideration and removal of the objection to the declaration and the rejection of the claims is respectfully requested.

As noted in the amendment filed on December 23, 1999, a preliminary motion has been filed in Interference No. 104,331 requesting that the present reissue application be brought into that interference. As also noted in the December 23, 1999 amendment, claims 30-40 and 42 have been cancelled in the present reissue application to avoid dismissal of the preliminary motion. For the Examiner's information regarding this matter, enclosed is a copy of the Administrative Patent Judge's Order in the interference, dated December 29, 1999, indicating:

"In light of Party Hill's representation that the amendment to cancel new claims 30-40 and 42 in reissue application 09/342,707 is for the purpose of avoiding dismissal of its preliminary motions 4 and 8 in this interference, the amendment should not constitute a bar to Party Hill's reintroducing these claims into the reissue application subsequent to the termination of this interference."

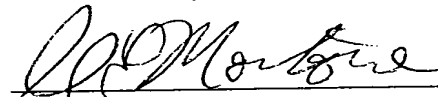
Accordingly, applicants respectfully reserve the right to reintroduce the cancelled claims after the termination of the interference, either in the present reissue application, a continuation reissue application or a subsequently filed reissue application.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (312.104331R00), and please credit any excess fees to said deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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GEM/vlc
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Attachments

CERTIFICATE OF SERVICE

I hereby certify that the below-listed correspondence:

1. Response with Supplemental Reissue Application Declaration by Assignee and attachments

is being served on February 25, 2000, via Federal Express overnight delivery, as follows:

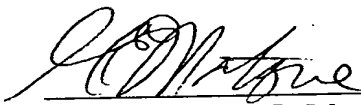
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By: 
Gregory E. Montone

Date: February 25, 2000